



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/064,118	06/12/2002	Lawrence Miller	36287.03300	1148
27171	7590	07/28/2005		
MILBANK, TWEED, HADLEY & MCCLOY LLP 1 CHASE MANHATTAN PLAZA NEW YORK, NY 10005-1413				
			EXAMINER HAMZA, FARUK	
			ART UNIT 2155	PAPER NUMBER

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/064,118

Applicant(s)

MILLER ET AL.

Examiner

Faruk Hamza

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Amendment

1. This communication is responsive to the amendment filed on May 11, 2005. Specification, Claims 1 and 5-7 have been amended. Claims 1-7 are now pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1 and 5-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear who is creating token. For the purpose of the examination examiner assumes server creates token.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 5 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. For a subject matter to be statutory, the claimed process must be limited to a practical application of the abstract idea of

mathematical algorithm in the technological art. However, "information signal" recited in claim 5 is not tangible. Specification failed to provide antecedent basis for "information signal" recited in claim 5, it appears that information signal is not limited to tangible embodiment, therefore non-statutory.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1,5,6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Montulli (U.S. Patent Number 6,134,592).

Montulli teaches the invention as claimed including a method and apparatus for transferring state information between a server computer system and a client computer system (See abstract).

As to claim 1, Montulli teaches a method for providing information to a client browser, the method comprising:

sending a first request from a client to a server (Column 7, lines 35-36,
Montulli discloses request from client to server);

responsive to the first request, initiating a request by the server to create a
token (Column 7, lines 35-36, Montulli discloses creating token);

responsive to the first request, sending information from the server to the
client, the information including at least display data and a first link corresponding
to the token (Column 7, lines 21-25, lines 36-40 Montulli discloses link
corresponding to the token);

rendering the display data in a browser of the client (Column 7, lines 40-43,
Montulli discloses rendering the display data in a browser);

sending a second request from the client to the first link (Column 7, lines 45-
50, Montulli discloses sending second request);

determining at the first link whether the token is created; and (Column 7, lines
21-25, Column 8, lines 21-22, Montulli discloses determining if token is created)

if the token is created, sending the token to the client. (Column 8, lines 21-24,
Montulli discloses sending token to the client).

5. Claims 5,6 and 7 represent program product that are parallel to method
claim 1 and therefore are rejected for similar reasons.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Montulli (U.S. Patent Number 6,134,592) as applied above, and further in view of Sato et al. (U.S. Patent Number 6,718,482) hereinafter referred as Sato.

Sato teaches the invention substantially as claimed including computer system and method for monitoring faults occurring in the computer system (See abstract).

As to claim 2, Montulli teaches a method according to claim 1, further comprising initiating request to create token and life time of that token (Montulli, Column 8, lines 26-31).

Montulli does not explicitly teach the claimed limitation of using timer.

However, Sato teaches using count-down timer. (Column 14, lines 31-33).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Montulli by using timer to keep track of session time. One would be motivated to do so to limit the life time of a session created between a client and server.

As to claim 3, Montulli teaches a method according to claim 2, further comprising initiating request to create token and life time of that token (Montulli, Column 8, lines 26-31).

Montulli does not explicitly teach the claimed limitation of comparing timer with predetermined time.

However, Sato teaches comparing timer with predetermined time. (Sato, Column 15, lines 30-35).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Montulli by using timer to compare used time with predetermined time to enhance system performance. One would be motivated to do so to limit the life time of a session created between a client and server.

As to claim 4, Montulli teaches a method according to claim 3, further comprising sending a second link to the client, the second link corresponding to the token. (Montulli, Column 12, lines 46-51).

Montulli does not explicitly teach the claimed limitation of timer exceeds the predetermined value.

However, Sato teaches comparing timer with predetermined time. (Sato, Column 15, lines 30-35).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Montulli by using timer to compare used time with predetermined time to enhance system performance. One would be motivated to do so to limit the life time of a session created between a client and server.

Response to Arguments

7. Applicant's arguments filed on April 13, 2005 have been fully considered but they are not persuasive.

In the remarks, the applicant argues in substance that; A) Information signal is statutory; B) Montulli does not teach creating token initiated by server.

In response to A) Information signal does not represent a tangible computer readable storage medium. Provided evidence is insufficient and does not successfully overcome the rejection. Thus, the rejection under USC 101 is maintained.

In response to B) Montulli teaches that server generates cookies or token. Token or cookie generator could be a separate module in web server. It is inherent that server sends request to the generator for creating a cookie or token. Thus the initiation request by the server to create a cookie or token as taught by Montulli corresponds to the limitation as claimed. The teaching of Montulli's initiating a request and generating cookie (Column 7, lines 21-25, lines 35-40) meets the claim limitation of "initiating a request by the server to create a token".

Conclusion

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is 571-272-7969. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information

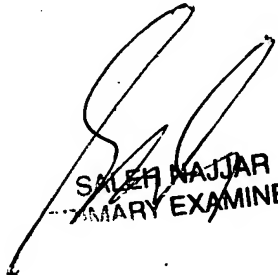
Art Unit: 2155

for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll –free).

Faruk Hamza

Patent Examiner

Group Art Unite 2155



SALEH NAJJAR
PRIMARY EXAMINER